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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/685,098

10/14/2003

Nobuhiro Itoh

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4451

23432 7590 03/11/2010  
COOPER & DUNHAM, LLP  
30 Rockefeller Plaza  
20th Floor  
NEW YORK, NY 10112

EXAMINER

PACHOL, NICHOLAS C

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/685,098</p>	<p><b>Applicant(s)</b> ITOH, NOBUHIRO</p>	
	<p><b>Examiner</b> Nicholas C. Pachol</p>	<p><b>Art Unit</b> 2625</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 12 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-37.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Twyler L. Haskins/  
Supervisory Patent Examiner, Art Unit 2625

/Nicholas C Pachol/  
Examiner, Art Unit 2625

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 02/12/10 have been fully considered but they are not persuasive. Applicant argues that communication result notification can be a stamp mark. A communication result notification would be an indication that the communication has ended. Referring to fig. 2 of the Original Drawings, the stamp mark is printed before the transmission is confirmed to have ended. Flowing the flow chart, and according to applicant's arguments on Page 13, the stamp could be printed either before or after the transmission actually has ended. Since the stamp mark can be printed before the transmission has ended, then the stamp mark would not be an indication that the transmission has ended and therefore would not be a communication result notification. For sake of argument, say the stamp mark is printed after the transmission has ended, there is no confirmation that the transmission has ended before the stamp mark has been printed. In this case the stamp mark cannot be a communication result notification because it is not an indication that the transmission has ended. Therefore the stamp mark would not be an indication of a communication report notification.

Applicant argues that "Tanimoto does not disclose or suggest the present application of triggered to output a communication result notification indicative of a result of the facsimile transmission to the receiving end, by a condition that the corresponding destination name is found in the specific destination name storage section." The applicant also states that during the phone interview on February 19, 2009 that Examiner Park and Pachol agreed with the above point. The examiner does not recall agreeing that Tanimoto does not teach the above cited limitations. Therefore the examiner respectfully disagrees.

The first part of the argument seems to be directed towards the fact that Tanimoto does not teach outputting the notification at the receiver end, but rather outputs the notification at the transmitting end. However, this is not clearly claimed. The examiner notes that the notification is outputted as a result of the transmission to the receiving end and not outputted at the receiving end. No where in the claim does it suggest that the communication result is outputted at the receiving end. The claims would need to explicitly state that the result notification is outputted at the receiving end. The current claims have not made this explicitly clear. Therefore, the examiner is taking the notification to be outputted "of a result of the transmission to the receiving end", as in the transmission is to the receiving end.

The second part of the argument seems to be directed towards the fact that Tanimoto may output the communication result if the destination is stored. According to Page 7, paragraph 89, of Tanimoto, since the confirmation of the notification is checked when the destination is stored, the confirmation is outputted when the destination is stored. Based on the flowchart of Figure 11, as long as the destination is stored, then the confirmation could be outputted. If the memory remaining is ok every time, then the confirmation is not outputted. If there is no request for confirmation when the memory is ok, then there is no confirmation. Therefore, there are cases when the confirmation is outputted only when the destination name is stored. There is no restriction that the confirmation can not be outputted in any other circumstances. Figure 11 clearly shows that when the destination is stored then a confirmation can be outputted. When the destination is stored, the output of the confirmation is based solely on the destination being stored. Tanimoto does teach conditions that the notification is outputted when the destination is stored. According to applicant's argument, on page 17, Tanimoto determination is based on the user designation and therefore not if the name is stored. This however does not seem to be the case. For sake of argument, even if the confirmation is based on the user designation, Tanimoto still determines if the name is stored before outputting the result notification. This means that the result notification is also dependent on the fact of if the destination name is stored. Therefore, Tanimoto does "involve outputting a communication result notification indicative of a result of the facsimile transmission to the receiving end, solely on a condition that the corresponding destination name is found in the specific destination name storage section." .